

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: IV. D.

From: Wayne D. Houle, PE, Director of Engineering

Action ☒

Discussion ☐

Date: December 4, 2012

Information ☐

Subject: Resolution No. 2012-164 Approving Hennepin County Electronic Proprietary Data Base Conditional Use License Agreement

Action Requested:

Adopt resolution No. 2012-164 approving Hennepin County Electronic Data Base Conditional Use License Agreement and authorizing the City Manager to sign attached agreement.

Information / Background:

The Conditional Use License Agreement is the standard document Hennepin County asks governmental entities to sign when the County provides the entity with an electronic geographical digitized database (computerized mapping information) of the City. The Agreement is to protect the County's proprietary interest and removes the restriction on the City's use and/or distribution of hardcopies made from the County data. This renewal is for the extension of the 2000 EPDB Conditional Use License Agreement to December 31, 2013.

Attachments:

Resolution No. 2012-164
Hennepin County EPDB Conditional Use License Agreement No. A00279



**RESOLUTION NO. 2012-164
RESOLUTION APPROVING HENNEPIN COUNTY
ELECTRONIC PROPRIETARY DATA BASE (EPDB)
CONDITIONAL USE LICENSE AGREEMENT**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota (the "City") as follows:

Section 1. Recitals. Hennepin County (the "County") has developed an Electronic Proprietary Data Base (EPDB) (the "Data Base"), which the City desires to utilize. There has been prepared and presented to the City a Conditional Use License Agreement (the "Agreement") between the City and County, pursuant to which the County grants the City a limited license to use the Data Base as provided in the Agreement.

Section 2. Approvals. The form of the Agreement is hereby approved, and the City Manager is authorized to enter into the Agreement on behalf of the City in substantially the form presented to the City with such changes or modifications thereto as do not change the substance of the Agreement and are approved by the City Manager, such approval to be conclusively presumed by the execution and delivery of the Agreement by the City Manager.

Dated: December 4, 2012

Attest: _____
Debra A. Mangen, City Clerk

James B. Hovland, Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of December 4, 2012 and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____, 20____.

City Clerk

ENGINEERING DEPARTMENT

7450 Metro Boulevard • Edina, Minnesota 55439
www.EdinaMN.gov • 952-826-0371 • Fax 952-826-0392



Hennepin County Taxpayer Services Department

Survey Division - Suite A-703
Hennepin County Government Center
Minneapolis, Minnesota 55487

612.348.3131 Phone
612.348.2837 Fax
www.co.hennepin.mn.us

November 8, 2012

Wayne D. Houle
City of Edina
4801 West 50th Street
Edina, MN 55424-1394

Agreement # A00279

Hennepin County desires to extend the above referenced EPDB Conditional Use License Agreement through December 31, 2013. If you as a Government Unit, Consultant/Third Party or Private Corporation, desire to extend the above-reference Agreement, the following requirements must be satisfied as they pertain to your entity. Please return the required information to Hennepin County, Attention: Robert Moulder (at the address stated at the top of this page).

- A.) **GOVERNMENTAL UNIT MUST FURNISH TO THE COUNTY A COPY OF THE ACTION OF USER'S GOVERNING BODY AUTHORIZING THIS AGREEMENT EXTENSION. HOWEVER, IF AN OFFICIAL OF USER IS AUTHORIZED BY STATUTE OR CHARTER TO APPROVE AN AGREEMENT OF THIS NATURE THEN THIS ORIGINAL LETTER SIGNED BY SUCH OFFICIAL AUTHORIZING THE EXTENSION MUST BE RETURNED TO THE COUNTY. *NOTE: SUCH OFFICIAL MUST ATTACH TO THIS LETTER A COPY OF THEIR STATUTORY OR CHARTER AUTHORITY TO APPROVE THE AGREEMENTS.***
- B.) **CONSULTANT/THIRD PARTY MUST PROVIDE THE COUNTY A COPY OF AFFIRMATION BY GOVERNMENTAL UNIT THAT YOU WILL CONTINUE AS CONSULTANT AS STATED IN AGREEMENT NO. _____ THROUGH THE YEAR 2013. IN ADDITION, CONSULTANT/THIRD PARTY MUST SIGN THE ATTACHED SIGNATURE PAGE AND ACKNOWLEDGEMENT AND RETURN ORIGINALS OF BOTH TO THE COUNTY.**
- C.) **PRIVATE CORPORATION MUST SIGN THE ATTACHED SIGNATURE PAGE AND ACKNOWLEDGEMENT AND RETURN ORIGINALS OF BOTH TO THE COUNTY.**

As authorized by the Agreement and noting the above requirements, which pertain to you specifically, please indicate below your intention to extend or not to extend this agreement through the year 2013. Please return the originals of this page and the acknowledgement page and a copy of affirmation as Consultant/Third Party, as required, to the attention of Robert Moulder at the address shown at the top of page 1 as soon as possible.

Please check (X) appropriate box.

☐ It IS our intention to extend this agreement through the year 2013.

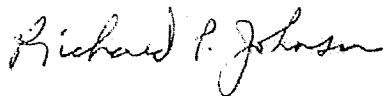
☐ It is NOT our intention to extend this agreement through the year 2013.
We no longer require this information.

Signature: _____ Date: _____
Authorized Signature

Title: _____

If you have any questions about this notice, please call Robert Moulder at 612-348-2618 for assistance.

Sincerely,



Richard P. Johnson
County Administrator